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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,124

05/16/2005

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PU020460

3595

24498 7590 11/24/2009
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EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,124	Applicant(s) PUGEL, MICHAEL ANTHONY	
	Examiner FRANKLIN S. ANDRAMUNO	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/28/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/28/09 have been fully considered but they are not persuasive. Applicant argues on page 6 second paragraph, "Fesler fails to teach processing means for enabling a disabled user setting for an auxiliary information display function of said apparatus responsive to said emergency alert signals. Thus Fesler fails to disclose processing means for enabling an auxiliary information display function of said apparatus having an emergency alert function, which had previously been disabled by a user through a setup process, responsive to said emergency alert signals." While applicant's point is understood, examiner respectfully disagrees. Burke teaches on (column 18 lines 2-7) the emergency monitor data packet that is used to enable the transmitter of a mobile unit in the priority alert mode is used to disable all other mobile transmitters in the system. This shows a processing means for enabling a disabled user setting based on a priority system. In addition, Ganzer teaches on (column 11 lines 3 -11) the slave unit (85) may output control signals to control the functioning of accessory devices (96) in response to an emergency. Ganzer is a clearly teaching the use of enabling a disabled device. Lastly, Minaga teaches the process which had previously been disabled by a user through a setup process. Minagawa discloses on (column 3 lines 6-20) a user interface setup process where the status control means for controlling to enable/disable a direct change in state of a predetermined setup item on the user interface. As a result, the combination of the

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elements taught by Fesler, Ganzer, Minagawa, Duroz and Burke clearly teach the argument made by the applicant.

2. The applicant iterates the same argument described on the previous paragraph again on page 7 first paragraph, page 8 second paragraph, page 9 first paragraph, and page 10 third paragraph.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 7-8, 10-11, 13-15, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesler et al (US 5,917,887) in view of Ganzer et al (US Patent 5,121,430) in view of Minagawa (US 7,218,976B2) in view of Duruoaz et al (US 6,654,539 B1) in view of Burke et al (US 4,636,791). Hereinafter referred as Fesler, Ganzer, Minagawa, Duruoaz and Burke.

Regarding claims 1, 8, and 15, Fesler discloses an apparatus and method having an emergency alert function (**column 3 lines 4-10**), comprising: tuning means for tuning signals including emergency alert signals associated with said emergency alert function (**column 2 lines 36-45**).

However, Fesler fails to disclose the use of enabling a disabled apparatus.

Ganzer discloses **(column 11 lines 3-11)** the slave unit (85) may output control signals to control the functioning of accessory devices (96) in response to an emergency.

Therefore, it would have been obvious at the time of the invention to include the use of a control function to control devices triggered by an emergency unit. This is a useful combination because it allows devices to be turned on or off in case of an emergency.

However, Fesler and Ganzer fail to teach the process which had previously been disabled by a user through a setup process. Minagawa discloses on **(column 3 lines 6-20)** a user interface setup process where the status control means for controlling to enable/disable a direct change in state of a predetermined setup item on the user interface.

Therefore, it would have been obvious at the time of the invention to include the use of disabling a user through a setup process. This is a useful combination because the system is capable of auto configure and disconnect unrelated devices in an emergency network.

However, Fesler, Ganzer and Minagawa fail to teach the use of a default screen in the setup process. To this respect, Duruoaz teaches **(column 11 lines 34-40)** discloses the default video display is set up and the default screen display is set up. Moreover, it is disclosed in **(column 11 lines 58-61)** the global processes include adjusting software time clocks as appropriate for audio/video synchronization.

Therefore, it would have been obvious at the time of the invention to include the use of using a default screen in the setup process. This is a useful combination because if the system ever crashes, it will be able to have a default screen for emergency situations.

However, Fesler Ganzer, Minagawa and Duruoz fail to teach processing means for enabling a disabled user setting for an auxiliary information display function of said apparatus having an emergency alert function. Burke teaches on **(column 18 lines 2-7)** the emergency monitor data packet that is used to enable the transmitter of a mobile unit in the priority alert mode is used to disable all other mobile transmitters in the system. This shows a processing means for enabling a disabled user setting based on a priority system.

Therefore, it would have been obvious at the time of the invention to include the use of a control function to control devices triggered by an emergency unit. This is a useful combination because it allows devices to be turned on or off in case of an emergency.

Regarding claims 3, 13, and 17, Fesler discloses the apparatus and method of claims 1, 11, 15, wherein said processing means further enables an alert output **(column 3 lines 4-10)** using said auxiliary information display function responsive to said emergency alert signals **(column 3 lines 13-17)**.

Regarding claims 4, 14, and 18, Ganzer discloses the apparatus and method of claims 3, 13, and 17, wherein said processing means further disables said user setting

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for said auxiliary information display function after said alert output is enabled (Column 11 lines 3-11).

Regarding claims 5, and 19, Fesler discloses the apparatus and method of claims 1, and 15, wherein said processing means further enables display of a default screen responsive to said emergency alert signals **(column 3 lines 36-50)**.

Regarding claims 7, 10, and 21, Fesler discloses the apparatus and method of claims 5, 8, and 19, wherein: said processing means further enables **(column 3 lines 4-10)** an alert output using said auxiliary information display function responsive to said emergency alert signals **(column 3 lines 13-17)**; and said alert output includes a visual message overlaid upon said default screen **(column 8 lines 3-8)**.

Regarding claim 11, Burke discloses the method of claim 8, further comprised of enabling a disabled user setting for an auxiliary information display function of said apparatus responsive to said emergency alert signals **(column 18 lines 2-7)**.

5. Claims 2, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesler et al (US 5,917,887) in view of Ganzer et al (US Patent 5,121,430) in view of Minagawa (US 7,218,976B2) in view of Duruoz et al (US 6,654,539 B1) in view of Burke et al (US 4,636,791) in view of Park (US 6,208,383 B1). Hereinafter referred as Fesler, Ganzer, Minagawa, Duruoz, Burke and Park.

Regarding claims 2, 12, and 16, Fesler discloses the apparatus and method of claims 1, 11, and 15, wherein said auxiliary information display **(LCD Display (45) in figure 2)**.

However, Fesler, Ganzer, Minagawa, Duruoz and Burke fail to disclose a closed caption display function. Park discloses on **(figure 2)** a caption processing section (230).

Therefore, it would have been obvious at the time of the invention to include the use of a closed caption display. This is a useful combination because an emergency system can present information through visual representation on a screen.

6. Claims 6, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesler et al (US 5,917,887) in view of Ganzer et al (US Patent 5,121,430) in view of Minagawa (US 7,218,976B2) in view of Duruoz et al (US 6,654,539 B1) in view of Burke et al (US 4,636,791) in view of Kennedy (US 5,369,432). Hereinafter referred as Fesler, Ganzer, Minagawa, Duruoz, Burke and Kennedy.

Regarding claims 6, 9, and 20, Duruoz discloses the apparatus and method of claims 5, 8, and 19, wherein said default screen **(column 11 lines 34-40)**.

However, Fesler, Ganzer, Minagawa, Duruoz and Burke fail to disclose the use of a blue screen. Kennedy discloses on **(page column 7 lines 13-15)** the use of a programmed blue screen on a computer.

Therefore, it would have been obvious at the time of the invention to program the screen color to a desired match. This is a useful combination because it allows the user to get a visual aid and alert in case of an emergency.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424